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MYERS BIGEL SIBLEY & SAJOVEC			BANGACHON, WILLIAM L	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/506,365	KARABINIS, PETER D.	
	<b>Examiner</b>	Art Unit	
	William L. Bangachon	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on 02 September 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-181 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-181 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 02 September 2004 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) ✓  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08) ✓  
Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: *Examiner comments*.

## DETAILED ACTION

### *Remarks*

1. In response to the application filed 9/2/2004, the application has been examined. The Examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. It is the Examiner's position that **claims 1 through 181 are unpatentable for the reasons set forth in this Office action:**

### *Specification*

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 157 recites, "A system according to Claim 79 wherein the interrogator that is configured on a vehicle that transports an ensemble of units is further configured to exchange data with at least one first transponder on the vehicle and with at least one second transponder on the vehicle; and wherein the at least one first transponder on the vehicle is not associated with any of the units of the ensemble of units that is being transported by the vehicle." There is no description of three transponders in a vehicle for transporting an ensemble of units that exchanges data with each other.

***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "three transponders in a vehicle for transporting an ensemble of units that exchanges data with each other" recited in claim 157 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the Examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 64, 128-130 and 132-133 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 64 recites the limitation "**the data packet**" in page 17. There is insufficient antecedent basis for this limitation in the claim.

Claims 128-129 provides for the use of "a state and/or identity of a vehicle", but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claims 130 and 132-133 provides for the use of "a method", but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-4, 6-11, 15-16, 32-38, 40-41, 44, 50-52, 54-59, 62-66, 79-82, 89-92, 100-127, 130-137, 139, 146-147, 149-150, 153, 157-172 and 180 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 4,591,823 {hereinafter 'Horvat'}.

With regards to claim 1, Horvat teaches of a method of monitoring a vehicular state, such as speeding limit, comprising transmitting data from a vehicle 2, 4 to monitoring transceivers 8, 10, 12 (i.e. claimed at least one device external to the vehicle) in response to the vehicle 2, 4 having violated at least one aspect of law, such as moving violation {see Horvat, column 3, line 55-column 4, line 18+}.

Claim 2 recites the limitations of claim 1, wherein transmitting from the vehicle 2, 4 is responsive to receiving radio signals (considered as functionally equivalent to the claimed 'interrogation signal') at the vehicle 2, 4 {see Horvat, column 4, lines 12-18; Figure 20; and column 11, lines 3-10+}.

In claims 3 and 6, Horvat teaches, the radio signals (considered as functionally equivalent to the claimed 'interrogation signal') includes information to the vehicle 2, 4 and a request for information from the vehicle 2, 4 relating to a law, safety, traffic management and traffic control process, such as traffic violation or safety conditions {see Horvat, column 4, lines 12-18; paragraph bridging columns 4 and 5}; and

wherein transmitting comprises transmitting from the vehicle 2, 4 via transceiver 6, data signals including an identification of the vehicle 2, 4 and an indication of a value of at least one vehicular parameter such as tampering, a vehicular state such as speeding, and driver identification (i.e. claimed 'an identity of an occupant of the vehicle') that is related to a law, safety, traffic management and traffic control process, in response to receiving the radio signals (i.e. interrogation signal) at the vehicle 2, 4 {see Horvat, column 4, lines 5-7; paragraph bridging columns 4 and 5; and Figure 21+}.

In claim 4, Horvat teaches, the radio signals (considered as functionally equivalent to the claimed 'notification signal') includes information to the vehicle 2, 4 and/or a request for information from the vehicle 2, 4 relating to a law, safety, traffic management and traffic control process, such as traffic violation or safety conditions (i.e. moving violations) {see Horvat, column 4, lines 12-18; paragraph bridging columns 4 and 5}. Alternatively, the radio signals, "**being indicative of speed limit in their particular locale**", is considered as functionally equivalent to the claimed 'notification signal' {see Horvat, column 4, lines 12-18}; and

wherein transmitting comprises transmitting from the vehicle 2, 4 via transceiver 6, data signals including an identification of the vehicle 2, 4 and an indication of a value of at least one vehicular parameter (i.e. speeding), a vehicular state (i.e. tampering), and an identity of an occupant of the vehicle (i.e. driver identification) that is related to a law, safety, traffic management and traffic control process (i.e. moving violations), in response to receiving the radio signals (i.e. notification signal) at the vehicle 2, 4 {see Horvat, column 4, lines 5-7; paragraph bridging columns 4 and 5; and Figure 21+}.

In claim 7, Horvat teaches that transmitting is preceded by:

receiving at the vehicle 2, 4, the radio signals (interrogation signal); and

determining at the vehicle 2, 4, whether the vehicle 2, 4 is speeding, as shown in the flowchart of Figure 18, and/or subject to unauthorized use shown in the flowchart of Figures 22-24, based upon information provided by the interrogation signal and/or information provided by at least one sensor of the vehicle.

Claim 8 recites the limitation of claim 4 and therefore rejected on the same basis, wherein the radio signals are considered as both an interrogation signal (i.e. interrogating passing vehicles) that is received by the vehicle first receiver 54 or received by the vehicle second receiver 124, and notification signal that is indicative of speed limit in a particular locale {see Horvat, column 4, lines 12-18; column 6, lines 39-60+}. Also see column 5, lines 35-41 wherein a vehicle detector 76 may be mounted, in addition to the monitoring transceivers 8, 10, to interrogate passing vehicles. Further, as the vehicle 2, 4 travels through the monitoring transceivers 8, 10, as shown in Figure 1, the vehicle 2, 4 will receive an interrogation signal from monitoring transceiver 8 as the vehicle 2, 4 passes through the monitoring transceiver 8, and receive a notification signal from monitoring transceiver 10 as the vehicle 2, 4 passes through the monitoring transceiver 10, or vice versa, depending on the direction of the vehicles travel.

The limitations in claim 9 have already been addressed in the rejection of claims 7 and 8, and/or by way of the cited passages, and therefore rejected for the same reasons.

The limitations in claim 10 have already been addressed in the rejection of claims 4, 6 and 8, and/or by way of the cited passages, and therefore rejected for the same reasons.

In claim 11, Horvat teaches, the received information from the radio signals comprises speed of the vehicle {see Horvat, column 4, lines 12-18}.

In claim 15, Horvat teaches transmitting an indication of tampering on a dedicated transmitter circuit before the interrogation signal is received at the vehicle {see Horvat, column 12, lines 53-59}.

**In claim 16, Horvat indicates in column 12, lines 32-55 that “tampering with the transmitter will be detected, and If the vehicle surveillance computer 30 wants to talk to tamper computer 32, then the run is disabled and a disable signal is sent to the engine control computer 62”, which implies “a distress state of the vehicle” or “vehicular theft information”.**

In claims 32 and 36-38, Horvat teaches, transmitting radio signals to a vehicle indicative of speed limit in their particular locale. The locale is considered a position at which the speed limit is in effect {see Horvat, column 4, lines 12-18}.

The limitations in claim 33 have already been addressed in the rejection of claim 3, and/or by way of the cited passages, and therefore rejected for the same reasons, further comprising a monitoring transceiver 8, 10 and 12.

The limitations in claim 34 have already been addressed in the rejection of claim 4, and/or by way of the cited passages, and therefore rejected for the same reasons.

In claim 35, Horvat teaches, receiving data from a vehicle indicative of a speed violation {see Horvat, column 11, lines 3-35}.

The limitations in claims 40 and 41 have already been addressed in the rejection of claim 16, and/or by way of the cited passages, and therefore rejected for the same reasons.

In claim 44, Horvat teaches, the radio signal is received over a selected frequency, separate from the tamper frequency {see Horvat, column 12, lines 53-59}.

In claim 50, Horvat teaches a vehicle transceiver 6, considered as functionally equivalent to a vehicle transponder 6, as shown in Figures 1 and 1a, wherein the vehicle transponder 6, transmits data signals including identification of the vehicle 2, 4, an indication of a value of at least one vehicular parameter such as tampering, a vehicular state such as speeding, and driver identification (i.e. an identity of an occupant of the vehicle) that is related to a law, safety, traffic management and traffic control process, in response to receiving the radio signals (i.e. interrogation signal) at the vehicle 2, 4 {see Horvat, column 4, lines 5-7; paragraph bridging columns 4 and 5; and Figure 21+}.

The limitations in claim 51 has already been addressed in the rejection of claim 3, and/or by way of the cited passages, and therefore rejected for the same reasons.

The limitations in claim 52 has already been addressed in the rejection of claims 8, 10 and 12, and/or by way of the cited passages, and therefore rejected for the same reasons.

The limitations in claim 54 has already been addressed in the rejection of claim 4, and/or by way of the cited passages, and therefore rejected for the same reasons.

In claim 55, Horvat teaches calculating whether the vehicle is speeding based upon the indication of a speed limit and an indication of a speed of the vehicle {see Horvat, column 10, lines 29-63}.

The limitations in claim 56 has already been addressed in the rejection of claim 4, and/or by way of the cited passages, and therefore rejected for the same reasons.

In claims 57 and 58, Horvat teaches, receiving at the vehicle data indicative of speed limit in their particular locale. The locale is considered a position at which the speed limit is in effect {see Horvat, column 4, lines 12-18}.

calculate whether the vehicle is speeding based upon the indication of a speed limit and an indication of a speed of the vehicle {see Horvat, column 10, lines 29-63} and transmit the calculated data including the identification of the vehicle.

In claim 59, Horvat teaches, receiving data from a vehicle indicative of a speed violation {see Horvat, column 11, lines 3-35}.

In claim 62, Horvat teaches that the radio signals (interrogation signal or notification signal) includes a monitor transceiver identification number (interrogator identification) {see Horvat, column 11, lines 12-17+} and wherein the vehicle transceiver is refrained from transmitting from the vehicle the data within a predefined time interval determined by the sum of the social security digits {see Horvat, column 6, lines 39-50 and column 11, lines 36-68+}.

In claim 63, Horvat teaches, the vehicle transceiver transmits a message until the interrogation signal is received, as shown in the flowchart of Figure 21.

In claims 64 through 66, Horvat indicates in column 12, lines 32-55 that **“tampering with the transmitter will be detected, and If the vehicle surveillance computer 30 wants to talk to tamper computer 32, then the run is disabled and a**

**disable signal is sent to the engine control computer 62", which implies "a distress or theft status of the vehicle", as claimed.**

Claims 79 through 80 recites a system for practicing the method in claim 3 and therefore rejected for the same reasons, wherein Horvat further teaches, monitoring transceivers 8 and 12 (i.e. interrogator) mounted proximate a roadway and monitoring transceiver 12 (i.e. interrogator) in a patrol car 20 {see Horvat, Figure 1}.

In claim 81, Horvat teaches, the radio signals are indicative of speed limit in a particular locale {see Horvat, column 4, lines 12-18; column 8, lines 56-58; column 10, lines 48-50; column 12, lines 64-66+}.

In claim 82, Horvat teaches, the radio signals include speed limit in a particular locale and date {see Horvat, column 12, lines 64-66+}.

The limitations in claim 89 has already been addressed in the rejection of claim 3, and/or by way of the cited passages, and therefore rejected for the same reasons..

Claim 90 recites a system for practicing the method in claim 4, wherein Horvat further teaches, the monitoring transceivers 8 and 12 (i.e. notificator) are mounted proximate a roadway and monitoring transceiver 12 (i.e. notificator) is mounted in a patrol car 20 {see Horvat, Figure 1}.

In claim 91, Horvat teaches, the radio signals are indicative of speed limit in a particular locale {see Horvat, column 4, lines 12-18; column 8, lines 56-58; column 10, lines 48-50; column 12, lines 64-66+}.

In claim 92, Horvat teaches, the radio signals include speed limit in a particular locale and date {see Horvat, column 12, lines 64-66+}.

Claims 100 and 104 recites the limitations of claims 3 or 4 and therefore rejected for the same reasons.

In claims 101 and 105, Horvat states, "the monitoring transceivers 8 and 10 (i.e. device external to the vehicle) are mounted along a roadway, fixed to a telephone pole" {see Horvat, column 3, lines 55-68}. Most telephone poles are located 100 meters or less from the road where the vehicle passes through.

In claims 102 through 103, Horvat indicates that the central processor 22 or motor vehicle department 26 (i.e. base station - device external to the vehicle) are 1000 meters or more from the vehicle {see Horvat, column 3, lines 55-68}.

In claim 106, Horvat indicates that the central processor 22 or motor vehicle department 26 (i.e. base station – second device external to the vehicle) are 1000 meters or more from the vehicle {see Horvat, column 3, lines 55-68}.

In claims 107 through 109, Horvat states, "the monitoring transceivers 8 and 10 (i.e. second device external to the vehicle) are mounted along a roadway, fixed to a telephone pole" {see Horvat, column 3, lines 55-68}, and indicates that the central processor 22 or motor vehicle department 26 (i.e. base station – first device external to the vehicle) are 1000 meters or more from the vehicle {see Horvat, column 3, lines 55-68}.

Claims 110 through 113 recite a system for practicing the method in claims 100 through 103 and therefore rejected for the same reasons.

Claims 114 through 119 recite a system for practicing the method in claims 104 through 109 and therefore rejected for the same reasons.

In claims 120 through 123, Horvat states, "the monitoring transceivers 8 and 10 (i.e. first and/or second device external to the vehicle) are mounted along a roadway, fixed to a telephone pole and a monitoring transceiver 12 is mounted in a police car 20 (i.e. second and/or third device external to the vehicle)" {see Horvat, column 3, lines 55-68}. "The monitoring transceiver 8 may communicate with other monitoring transceivers" {see Horvat, column 5, lines 48-51}. Horvat indicates that the monitoring transceivers 8, 10 and 12 communicates with central processor 22 (i.e. base station – second device external to the vehicle) and the central processor 22 is in communication with the motor vehicle department 26 (i.e. base station – third device external to the vehicle) {see Horvat, column 3, lines 55-68}.

In claims 124 through 127, Horvat states, "Each vehicle 2, 4 contains a transceiver 6 (i.e. transponder mounted in the vehicle), the monitoring transceivers 8 and 10 (i.e. first and second transmitting and receiving device external to the vehicle) are mounted along a roadway, fixed to a telephone pole and a monitoring transceiver 12 may be mounted in a police car 20", and indicates that the monitoring transceivers 8 and 10 communicates with central processor 22 (i.e. third transmitting and receiving device external to the vehicle), and the central processor 22 is in communication with the motor vehicle department 26 (i.e. base station – fourth transmitting and receiving device external to the vehicle) {see Horvat, column 3, lines 55-68; Figure 1}.

The limitations in claims 130, 132-133 and 136 have already been addressed in the rejection of claims 3 or 4, and/or by way of the cited passages, and therefore rejected on the same basis.

Claim 131 recites a system for practicing the method of claim 130 and therefore rejected on the same basis.

The limitations in claims 134-135 and 137 have already been addressed in the rejection of claim 127, and/or by way of the cited passages, and therefore rejected on the same basis.

In claim 139, transmitting comprises transmitting from the vehicle via transceiver 6, data signals including an identification of the vehicle and an indication of a value of at least one vehicular parameter such as tampering, a vehicular state such as speeding, and driver identification (i.e. an identity of an occupant of the vehicle) that is related to a law, safety, traffic management and traffic control process, in response to receiving the radio signals (i.e. interrogation signal) at the vehicle 2, 4 {see Horvat, column 4, lines 5-7; paragraph bridging columns 4 and 5; and Figure 21+}.

The limitations in claims 146 through 147 and 149 through 150 have already been addressed in the rejection of claims 3 or 4, and/or by way of the cited passages, and therefore rejected on the same basis.

Claim 153 recites the limitations of claim 3 and therefore rejected on the same basis.

In claim 157, Horvat teaches, the monitoring transceiver 12 (i.e. interrogator) in the police car 20 (i.e. a vehicle that transports an ensemble of units) is further configured to exchange data with at least one first transponder on the vehicle 2 and with at least one second transponder on the vehicle 4; and wherein the at least one first

transponder on the vehicle 2 is not associated with any of the units of the ensemble of units that is being transported by the police car 20 {see Horvat, column 11, lines 3-35+}.

In claim 158, Horvat teaches, the at least one first transponder on the vehicle 2 that is not associated with any of the units of the ensemble of units that is being transported by the police car 20 is further configured to exchange data with the monitoring transceiver 12 (i.e. interrogator external to the vehicle that is transporting the ensemble of units).

In claims 159 through 160, Horvat teaches, the transmitter 82, 86 and receiver 78 of the monitoring transceivers 8 or 10 or 12, is the same device or is co-located (i.e. same circuit), as claimed {see Horvat, Figure 3}.

In claim 161, Horvat teaches, the transmitting and receiving device of the central processor 22 is integrated or co-located, as claimed {see Horvat, column 3, lines 55-68}.

In claims 162 and 164, Horvat states, "each vehicle 2, 4 contains a transceiver 6 (i.e. transponder mounted in the vehicle), the monitoring transceivers 8, 10 (i.e. first and second transmitting and receiving device external to the vehicle) are mounted along a roadway, fixed to a telephone pole and a monitoring transceiver 12 may be mounted in a police car", and indicates that the monitoring transceivers 8, 10 and 12 communicates with central processor 22 (i.e. third transmitting and receiving device external to the vehicle), and the central processor 22 is in communication with the motor vehicle department 26 (i.e. base station – fourth transmitting and receiving device external to the vehicle) {see Horvat, column 3, lines 55-68; Figure 1}.

In claim 163, the motor vehicle department 26 in Horvat comprises at least one computing unit (i.e. inherent) to be able to process all the violations reported by the monitoring transceivers 8 and 10.

In claim 164, Horvat states, "each vehicle 2, 4 contains a transceiver 6 (i.e. transponder mounted in the vehicle), the monitoring transceivers 8 and 10 (i.e. first and/or second transmitting and receiving device external to the vehicle) are mounted along a roadway, fixed to a telephone pole and a monitoring transceiver 12 may be mounted in a police car 20 (i.e. second or third transmitting and receiving device external to the vehicle)", and indicates that the monitoring transceivers 8 and 10 communicates with central processor 22 (i.e. third or fourth transmitting and receiving device external to the vehicle), and the central processor 22 is in communication with the motor vehicle department 26 (i.e. base station – fourth transmitting and receiving device external to the vehicle) {see Horvat, column 3, lines 55-68; Figure 1}.

In claim 165, the motor vehicle department 26 in Horvat comprises at least one computing unit (i.e. inherent) to be able to process all the violations reported by the monitoring transceivers 8, 10 or 12.

In claims 166 through 168, Horvat teaches, the transmitter 82, 86 and receiver 78 of the monitoring transceivers 8 or 10 or 12, is the same device or co-located as shown in Figure 3.

The limitations in claims 169 and 171 have already been addressed in claim 8 and therefore rejected for the same reasons.

With regards to claims 170 and 172, as the vehicle 2, 4 travels (i.e. inherent) through the monitoring transceivers 8, 10, as shown in Figure 1, the vehicle 2, 4 will receive an interrogation signal from monitoring transceiver 8 and receive a notification signal from monitoring transceiver 10 or vice versa, depending on the direction of the vehicles travel.

The limitations in claim 180 have already been addressed in claim 165 and therefore rejected for the same reasons.

10. Claim 181 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,591,823 {Horvat}.

With regards to the claim 181, although Horvat does not disclose "a packet data protocol", the Examiner is taking Official Notice that such features are conventional for providing individual addressing, such as the IP protocol, and would have been obvious to include in the system of Horvat because Horvat is concerned with individually addressing vehicles using vehicle identification and/or driver identification {see Horvat, column 4, lines 1-18}.

11. Claims 128-129 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,246,954 {hereinafter 'Berstis et al'}.

Regarding claims 128 and 129, the paragraph in Berstis et al that states, "**a TCELL transmitter at the traffic light would transmit a message which includes an indication of a state of a traffic light, such as the location of the light, a traffic**

**light ID, its current state and its planned states for the next period of time. The information is useful to predict when the oncoming traffic will arrive at the light it controls, and use the message for determining when to turn on the ‘green’ or ‘red’ light”** {see Berstis et al, paragraph bridging columns 3 and 4}, implies the claimed features.

12. Claims 5, 12, 21, 53, 60, 69 and 140 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,591,823 {Horvat} in view of US Patent 5,812,522 {hereinafter ‘Lee et al’}.

In claims 5 and 53, Horvat does not disclose “transmitting and receiving are based upon a Time Division Duplex (TDD) protocol”. However, Lee et al, in an analogous art, teach of a radio frequency communications systems with Time Division Duplex protocol {see Lee et al, paragraph bridging columns 5 and 6}. Lee et al suggests that using TDD protocol is advantageous because it provides a plurality of time slots for which a vehicle can use to communicate. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of applicant’s invention, to include Time Division Duplex protocol in the system of Horvat, as taught by Lee et al, because TDD protocol provides a plurality of time slots for which a vehicle can use to communicate.

In claim 12, Horvat states in column 4, lines 12-18, “**the stationary monitoring transceivers such as 8 and 10 send radio signals indicative of speed limit in their particular locale, and the vehicle transceivers such as 6 receive such speed**

**indicative radio signals for comparison against vehicle speed, and reporting of a given relation, such as a violation, to central processor 22".** This implies "receiving an interrogation signal (radio signals) that includes an indication of a speed limit and an indication of a position (particular locale) and/or a time-of-day at which the speed limit is in effect", as claimed.

In claim 21, Horvat teaches, the radio signal is received over a selected frequency, separate from the tamper frequency {see Horvat, column 12, lines 53-59}.

Claim 60 recites the limitations of claim 12 and therefore rejected on the same basis. Also see Horvat, column 11, lines 3-35.

The limitations in claim 69 have already been addressed in the rejection of claims 22-23 and therefore rejected on the same basis. Further, Horvat teaches, the radio signal is received over a selected frequency, separate from the tamper frequency {see Horvat, column 12, lines 53-59}.

In claim 140, the interrogation signal frequency and/or code are specified by a signal transmitted by the vehicle {see Horvat, column 8, lines 29-32}.

13. Claims 13-14, 22-23, 31, 39, 61-63, 78, 83, 87, 138, 141-142, 148, 152 and 154-156 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,591,823 {Horvat} in view of US 2003/0060159 {hereinafter 'Brynielsson'}.

In claim 13, Horvat does not disclose "receiving confirmation that the data that was transmitted has been received". However, Brynielsson, in an analogous art, teach of such features in a method and system for radio communication with mobile units.

Brynielsson states, “In order to improve security in some types of message, such as transmissions of information on completion of a commission, a procedure of acknowledgement may be devised in a system of the kind defined above. In such cases, the information system 18 in such cases provides a message 25 to be acknowledged with a data sequence that may be read by the central unit 1. The central unit 1 or the system 28 of the current party is also arranged, upon identification of such a sequence, to transmit a message of acknowledgement addressed to the vehicle 6 in question, by broadcasting over the associated broadcast transmitter 3, which message is received by the vehicle 6.” {See Brynielsson, paragraph 0059}. Brynielsson suggests that “sending an acknowledgement in the form of a broadcast message to a mobile unit in response to the reception by the central unit of a message from that mobile unit in conjunction with messages of special importance” is advantageous because “the mobile unit can then be arranged to again transmit the message, should no acknowledgement be received within a predetermined time. This acknowledgement procedure including repeat of the transmission offers a possibility of satisfactory security of communication when such security is necessary.” {See Brynielsson, paragraph 0027}. Therefore, at the time of applicant’s invention, it would have been obvious to one of ordinary skill in the art to include “sending an acknowledgement in the form of a broadcast message to a mobile unit in response to the reception by the central unit of a message from that mobile unit in conjunction with messages of special importance” in the system of Horvat, as taught by

Brynielsson because "the mobile unit can then be arranged to again transmit the message, should no acknowledgement be received within a predetermined time. This acknowledgement procedure including repeat of the transmission offers a possibility of satisfactory security of communication when such security is necessary."

In claims 14 and 62, Horvat teaches, the radio signals (interrogation signal or notification signal) includes a monitor transceiver identification number (interrogator identification) {see Horvat, column 11, lines 12-17+} and wherein receiving is followed by:

refraining from transmitting from the vehicle, the data, in response to receiving subsequent interrogation signals that include the monitor transceiver identification number (interrogator identification), at the vehicle, within a predefined time interval determined by the sum of the social security digits {see Horvat, column 6, lines 39-50 and column 11, lines 36-68}.

Regarding claims 22 and 23, although Horvat does not disclose "transmitting a message from the vehicle is performed at least twice over different frequencies and/or codes in a set of frequencies and/or codes before the interrogation signal is received at the vehicle and receiving the message over the selected frequency", the system of Brynielsson teach of such features. Brynielsson suggests, **"transmitting messages repeatedly from the vehicle is advantageous because it ensures that at least one message reaches at least one receiver** {see Brynielsson, paragraph 0017}. Such messages may comprise of the exact position of the vehicle or information on internal conditions of the vehicle {see Brynielsson, paragraph 0054}. Further, Brynielsson

suggests, “**it is advantageous in some cases to utilize several frequencies, for example if the mobile units need not transmit messages exceeding a predetermined length. Such longer messages may then be transmitted on another frequency and the receiver units 12 may be provided with double receivers 15** {see Brynielsson, paragraph 0058. Also see paragraph 0009}”. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of applicant’s invention, to include “utilizing several frequencies for transmission of messages from a vehicle” in the system of Horvat, as taught by Brynielsson, because longer messages may be transmitted on one frequency and shorter messages may be transmitted on another frequency.

The limitations in claims 31, 39, 61 and 63 have already been addressed in the rejection of claim 13 and therefore rejected for the same reasons.

The limitations in claim 78 have already been addressed in the rejection of claim 13 and therefore rejected for the same reasons.

The limitations in claim 83 have already been addressed in the rejection of claim 13 and therefore rejected for the same reasons.

The limitations in claim 87 have already been addressed in the rejection of claim 13 and therefore rejected for the same reasons.

In claim 138, Horvat teaches storing at the vehicle at least one parameter of the data packet that was transmitted, a vehicular state and/or a state of a content of the vehicle {see Horvat, column 11, lines 12-17}.

The limitations in claim 141 have already been addressed in the rejection of claim 22 and therefore rejected for the same reasons.

In claim 142, Horvat teaches the interrogation signal frequency and/or code is specified by a signal transmitted by the vehicle {see Horvat, column 8, lines 29-32}.

In claim 148, Horvat teaches storing at the vehicle at least one parameter of the data packet that was transmitted, a vehicular state, such as speed, and a state of a content of the vehicle, such as tampering {see Horvat, column 11, lines 12-17}.

The limitations in claim 152 have already been addressed in the rejection of claims 13 and 148 and therefore rejected for the same reasons.

The limitations in claims 154 through 156 have already been addressed in the rejection of claim 13, and/or by way of the cited passages, and therefore rejected for the same reasons.

14. Claims 24-28, 45-49, 72-76, 88, 96-99, 143-144, 151, 173 and 176-179 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,591,823 {Horvat} in view of US Patent 6,246,954 {Berstis et al}.

With regards to claim 24, the claim recites the limitations of claim 4 except Horvat does not disclose, "transmitting is preceded by receiving a notification signal at the vehicle that includes an indication of a state of a traffic light". However, Berstis et al, in an analogous art, teach of "**receiving a notification signal at the vehicle that includes an indication of a state of a traffic light, such as the location of the light, a traffic light ID, its current state and its planned states for the next period of**

time" {see Berstis et al, paragraph bridging columns 3 and 4}. Berstis et al suggests that it is advantageous to notify incoming vehicles of the state of a traffic light because it provides warning to oncoming vehicles that there is a light ahead and whether the traffic light is red or green {see Berstis et al, column 4, lines 1-14}. Therefore, at the time of applicant's invention, it would have been obvious to one of ordinary skill in the art to include "receiving a notification signal at the vehicle that includes an indication of a state of a traffic light" in the system of Horvat, as taught by Berstis et al, because it provides warning to oncoming vehicles that there is a light ahead and whether the traffic light is red or green.

Claim 25 recites the limitations of claim 24 wherein the traffic light is considered as functionally equivalent to the claimed "stop sign" because in both cases, a traffic light or a stop sign is located at an intersection where a vehicle encounters an opposing traffic. Although Horvat does not disclose "determining, at the vehicle, a minimum velocity attained by the vehicle", Berstis et al states, **"The messages (notification signal), including an indication of a state of a traffic light, such as the location of the light, its current state and its planned states for the next period of time, could also indicate that there will be a light which will be red in a certain number of minutes and indicate that if the driver maintains a certain (legal) speed until he approaches the light, the red light will be avoided {see Berstis et al, paragraph bridging columns 3 and 4}"**. This implies that the vehicle can determine a minimum velocity, as claimed, based on the number of minutes that was transmitted until the vehicle approaches the light. Berstis et al suggests that such features are

advantageous because it helps a driver in avoiding red light {see Berstis et al, column 4, lines 8-13}. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to include "determining, at the vehicle, a minimum velocity attained by the vehicle" in the system of Horvat, as taught by Berstis et al, because it helps a driver in avoiding red light.

With regards to claims 26 and 28, the cited passages in claims 3, 24 and 25 read on the claimed elements, and therefore rejected for the same reasons.

In claim 27, the cited paragraph on claim 24 reads on an identification of a traffic light set (i.e. traffic light ID) and a state of the traffic light assembly, such as, whether the traffic light is turning red or green, and therefore rejected for the same reasons.

The limitations in claims 45 through 49 have already been addressed in the rejection of claims 24 and 25, and/or via the cited passages, and therefore rejected for the same reasons.

The limitations in claim 72 have already been addressed in the rejection of claim 27 and therefore rejected for the same reasons.

The limitations in claim 73 have already been addressed in the rejection of claim 25 and therefore rejected for the same reasons.

The limitations in claim 74 have already been addressed in the rejection of claims 4 and 26 and therefore rejected for the same reasons.

The limitations in claim 75 have already been addressed in the rejection of claims 4 and 27 and therefore rejected for the same reasons.

The limitations in claim 76 have already been addressed in the rejection of claim 28 and therefore rejected for the same reasons.

Claim 88 recites the limitations in claim 24 and therefore rejected on the same basis.

Claim 96 recites the limitations in claim 24 and therefore rejected on the same basis.

Claim 97 recites the limitations in claim 25 and therefore rejected on the same basis.

Claim 98 recites the limitations in claim 26 and therefore rejected on the same basis.

Claim 99 recites the limitations in claim 27 and therefore rejected on the same basis.

The limitations in claim 143 have already been addressed in the rejection of claims 7 and 26 and/or via the cited passages and therefore rejected for the same reasons.

The limitations in claim 144 have already been addressed in the rejection of claims 7 and 27 and therefore rejected for the same reasons.

Regarding claim 151, the passages cited in claim 145 reads on the claim and therefore rejected on the same basis.

In claim 173, the passages cited in claim 25 reads on the claim and therefore rejected on the same basis.

The limitations in claim 176 have already been addressed in the rejection of claim 24 and therefore rejected for the same reasons, wherein Berstis et al further states that traffic lights itself is a minicell {see Berstis et al, column 3, lines 64-66+}.

Claim 177 recites the limitations in claim 24 wherein Berstis et al further states, "the traffic lights itself is a minicell" {see Berstis et al, column 3, lines 64-66+}. The minicell hierarchy is divided into three levels namely, first (minicell), next (group cell) and highest (giant cell) levels that exchanges synchronizing data {see Berstis et al, column 3, lines 10-47}.

In claims 178 through 179, Berstis et al teach of such features, as claimed. As shown in figure 1, the radius of minicell 11, 13, 15 are relatively small and measured in one feet to few hundreds of feet {see Berstis et al, column 3, lines 10-13+}.

15. Claims 17-20, 29-30, 42-43, 64-68, 77, 84-86, 93-95 and 174-175 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,591,823 {Horvat} in view of US Patent 5,963,129 {hereinafter 'Warner'}.

With regards to claims 17-19, although Horvat does not disclose, "transmitting a notification or interrogation signal and received at the vehicle, that includes identifications of stolen vehicles", Warner, in an analogous art, teach of such features. Warner states, **"a remote control unit 24, official vehicle 18 and central computer 22 is capable of transmitting a status information, including identification of stolen vehicles, to a particular vehicle 12. The status information may be displayed by the vehicle 12, as shown in Figure 2, and suggests that it is**

**advantageous to indicate that the vehicle is stolen because it alerts persons in the area of the vehicle 12 as to the situation and thus take the appropriate action”** {see Warner, paragraph bridging columns 4 and 5 and Figures 1-2+}. Therefore, at the time of applicant’s invention, it would have been obvious to one of ordinary skill in the art to include such features in the system of Horvat, as taught by Warner, because the identification of the stolen vehicle may be displayed to indicate that the vehicle is stolen and alert persons in the area of the vehicle 12 as to the situation and thus take the appropriate action.

In claim 20, although Warner does not disclose, “receiving the identification of stolen vehicles is performed while the vehicle is stopped at a traffic light”, there will be instances when it will occur in the system of Warner. Obviously, a stolen vehicle driven to a traffic light will stop on red. Since the remote control device 24 of Warner may be operated as many times as possible, and the stolen vehicle may have to stop at traffic lights (i.e. especially when driving in the city), it would have been obvious to one of ordinary skill in the art, at the time of applicant’s invention, that there will be an instance when the notification is received at the stolen vehicle while stopped on a red light {see Warner, column 4, lines 22-37; paragraph bridging columns 4 and 5 and Figure 1+}.

Regarding claims 29 and 30, Horvat does not disclose, “activating a transmitter on the vehicle manually or remotely by an owner of the vehicle or governmental agency”. However, Warner teaches of activating a transmitter 24 on the vehicle 12 remotely by an owner 26 of the vehicle 12 or governmental agency 18, for the purpose of transmitting a status information signal to a vehicle. Warner suggests that

transmitting such vehicle status information is advantageous because “**the status information may be displayed by the vehicle to indicate that the vehicle is stolen and alert persons in the area of the vehicle 12 as to the situation and thus take the appropriate action**” {see Warner, column 4, lines 22-37; paragraph bridging columns 4 and 5 and Figure 1+}. As such, it would have been obvious to one of ordinary skill in the art, at the time of applicant’s invention, to include “activating a transmitter on the vehicle manually or remotely by an owner of the vehicle or governmental agency 18, for the purpose of transmitting a status information signal to a vehicle” in the system of Horvat, as taught by Warner, because the status information may be displayed by the vehicle to indicate that the vehicle is stolen and alert persons in the area of the vehicle 12 as to the situation and thus take the appropriate action.

In claim 42, although Horvat does not disclose, “transmitting a notification signal to the vehicle, that includes identifications of stolen vehicles”, Warner teaches of such features. Warner states, “**the status information may be displayed by the vehicle 12, as shown in Figure 2, and suggests that it is advantageous to indicate that the vehicle is stolen because it alerts persons in the area of the vehicle 12 as to the situation and thus take the appropriate action**” {see Warner, paragraph bridging columns 4 and 5 and Figure 1+}. Therefore, at the time of applicant’s invention, it would have been obvious to one of ordinary skill in the art to include such features in the system of Horvat, as taught by Warner, because the identification of the stolen vehicle may be displayed to indicate that the vehicle is stolen and alert persons in the area of the vehicle 12 as to the situation and thus take the appropriate action.

Claim 43 is dependent on claim 42 and therefore rejected on the same basis, wherein receiving the notification may not be performed while the vehicle is stopped at a traffic light all the time, but there will be instances when it will occur. The stolen vehicle driven to a traffic light will stop on red. Since the remote control device 24 may be operated as many times as possible, and the stolen vehicle may have to stop at traffic lights especially when driving in the city, there will be an instance when the notification is received at the stolen vehicle while stopped on a red light {see Warner, column 4, lines 22-37; paragraph bridging columns 4 and 5 and Figure 1+}.

Claims 64-67 recites the stolen vehicle features in claim 19 and therefore rejected on the same basis.

The limitations in claim 68 have already been addressed in the rejection of claim 20 and/or via the cited passages and therefore rejected on the same basis.

The limitations in claim 77 have already been addressed in the rejection of claim 30 and therefore rejected on the same basis.

The limitations in claim 84 have already been addressed in the rejection of claim 17 and therefore rejected on the same basis.

The limitations in claim 85 have already been addressed in the rejection of claim 19 and therefore rejected on the same basis.

The limitations in claim 86 have already been addressed in the rejection of claim 20 and therefore rejected on the same basis.

In claims 93 through 94, although Horvat does not disclose, "transmitting a notification or interrogation signal and received at the vehicle, that includes

identifications of stolen vehicles", Warner teach of such features. Warner states, "**Either a remote control unit 24, official vehicle 18 and central computer 22 is capable of transmitting a status information, including identification of stolen vehicles, to a particular vehicle 12. The status information may be displayed by the vehicle 12, as shown in Figure 2, and suggests that it is advantageous to indicate that the vehicle is stolen because it alerts persons in the area of the vehicle 12 as to the situation and thus take the appropriate action**" {see Warner, paragraph bridging columns 4 and 5; paragraph bridging columns 6 and 7; and Figures 1-2+}. Therefore, at the time of applicant's invention, it would have been obvious to one of ordinary skill in the art to include such features in the system of Horvat, as taught by Warner, because the identification of the stolen vehicle may be displayed to indicate that the vehicle is stolen and alert persons in the area of the vehicle 12 as to the situation and thus take the appropriate action.

The limitations in claim 95 have already been addressed in the rejection of claim 20 and therefore rejected on the same basis.

Claim 174 recites the limitations of claim 30 and therefore rejected for the same reasons. Further, Warner states, "the information received from the central computer 22 is then displayed on the display unit 28 for viewing by persons in the vicinity of the vehicle 12 {see Warner, column 6, lines 41-46}. "Upon desiring to check the status of a vehicle 12, the official operating the official vehicle 18 transmits a signal to the central computer 22 requesting the information on the vehicle 12, as stated in step S12. The central computer 22 then transmits the information signal and any other emergency

information back to the remote unit 20 as described in step S14. The requester is an official having clearance to obtain such information and is normally requesting the information from an official vehicle 18 equipped with a remote unit 20. Based upon the information received, an official utilizing the system will make a determination whether or not to stop the vehicle 12 as stated in step S16" {see Warner, column 6, lines 41-46}. This implies that the remote activation is performed in response to a signal that is received by the vehicle transponder, as claimed.

The limitations in claim 175 have already been addressed in the rejection of claim 174 and therefore rejected on the same basis.

16. Claims 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,591,823 {Horvat} and US 2003/0060159 {Brynielsson}, and further in view of US Patent 5,963,129 {Warner}.

The limitations in claims 70-71 have already been addressed in the rejection of claims 22-23 and/or via the cited passages and therefore rejected on the same basis.

17. Claim 145 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,591,823 {Horvat} and US Patent 5,963,129 {hereinafter 'Warner'}, further in view of US Patent 6,246,954 {Berstis et al}.

Regarding claim 145, although Horvat does not disclose a GPS-based position determination system at the vehicle, Berstis states, "**GPS is currently available to the general public and more and more vehicles come equipped with GPS-based**

**position determination system". Berstis suggests "a GPS receiver is advantageous because it is the most precise positioning system available" {see Berstis, column 1, lines 40-57; paragraph bridging columns 5 and 6}. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to include the GPS-based position determination system of Berstis in the Horvat because, as taught by Berstis, a GPS receiver is the most precise positioning system available and/or currently available to the general public.**

***Office Contact Information***

18. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to William Bangachon whose telephone number is (571)-**272-3065**. The Examiner can normally be reached from Monday through Friday, 9:00 AM to 5:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Zimmerman can be reached on (571)-**272-3059**. The fax phone numbers for the organization where this application or proceeding is assigned is **571-273-8300** for regular and After Final formal communications. The Examiner's fax number is (571)-**273-3065** for informal communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



William L Bangachon  
Examiner  
Art Unit 2635

April 2, 2007

  
BRIAN ZIMMERMAN  
PRIMARY EXAMINER